

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated February 18, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11 are pending in the Application. Claims 1, 8 and 9 are independent claims. By means of the present amendment, claims 1, 8, and 9 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. By these amendments, the claims are not amended to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Claims 1-11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,341,109 ("Kayanuma"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-11 are allowable over Kayanuma for at least the following reasons.

Kayanuma describes acquiring a change-permitted range in which changes in the assignment of logical addresses is allowed, and when sectors having secondary defects due to write abnormalities are detected, replacement of sectors is carried out as long as changes in the assignment of logical addresses do not go beyond sectors in the change-permitted range by: omitting the secondary defect sectors by additionally registering the defective sectors in a slip replacement list, and shifting back the assignment of logical addresses as long as there are free sectors following the abnormal sectors. (See Abstract). In other words, as illustrated in Figures 10 and 11, Kayanuma teaches mapping logical addresses 0-7 and 8-15 to physical memory 0-11 and 12-23, respectively. Each section of physical memory includes eight user area sectors at physical memory addresses 0-7 and 12-19 and four spare area sectors at physical memory addresses 8-11 and 20-23. Thus, Kayanuma suggests remapping four bad or defective sectors in the user areas at physical memory addresses 0-7 and 12-19 to the spare areas at memory addresses 8-11 and 20-23, respectively.

The optical disk of claim 1 is not anticipated or made obvious by the teachings of Kayanuma. For example, Kayanuma does not disclose or suggest, an optical disk that amongst other patentable

elements, comprises (illustrative emphasis provided) "first storage area has reading/writing capabilities for high-speed data without defect management, and said second storage area has reading/writing capabilities for data requiring defect management support and comprises at least one defect management area associated with said user data area of the second storage area for storing defect management data" as recited in claim 1, and as similarly recited by each of claims 8 and 9.

Thus, contrary to Kayanuma, while the second storage area has capabilities for data requiring defect management support, the first storage area of the present optical disk, does not have such capabilities. In Kayanuma all areas, i.e., memory areas at physical addresses 0-11 and 12-23 include defect management.

Based on the foregoing, the Applicant respectfully submits that independent claims 1, 8, and 9 are patentable over Kayanuma.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 8, and 9 are patentable over Kayanuma and notice to this effect is earnestly solicited. Claims 2-7 and 10-11 respectively depend from one of claims 1, 8 and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

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Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position, or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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